No. 91-6461

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Filed Mar 12, 1993

UNITED STATES OF AMERICA
Plaintiff Appellee,

CITY OF LOUISVILLE,
Intervening Plaintiff-Appellee

v. **O R D E R**

LOUISVILLE AND JEFFERSON COUNTY
METROPOLITAN SEWER DISTRICT,
Defendant

COMMONWEALTH OF KENTUCKY,
Defendant-Appellee,

BEFORE: MERRITT, Chief Judge; GUY and RYAN, Circuit Judges.

The court having received a petition for rehearing en banc, and the petition having been circulated not only to the original panel members but also to all other active judges of this court, and no judge of this court having requested a vote on the suggestion for rehearing en banc, the petition for rehearing has been

referred to the original hearing panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully corsidered upon the original submission and decision of the case. Accordingly, the petition is denied. Judge Merritt would grant rehearing for the reasons stated in his dissent.

ENTERED BY ORDER OF THE COURT

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Leonard Green, Clerk

Entered 3/12/93